

Please Note: These transcripts are not individually reviewed and approved for accuracy

MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD

JOE SERNA, JR., CALEPA BUILDING
1001 I STREET
2ND FLOOR
CENTRAL VALLEY AUDITORIUM
SACRAMENTO, CALIFORNIA

WEDNESDAY, JULY 14, 2004
9:30 A.M.

JAMES F. PETERS, CSR, RPR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 10063

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

BOARD MEMBERS

Linda Moulton-Patterson, Chairperson

Rosario Marin

Rosalie Mulé

Michael Paparian

Cheryl Peace

Carl Washington

STAFF

Mark Leary, Executive Director

Julie Nauman, Chief Deputy Director

Marie Carter, Chief Counsel

Jim Lee, Deputy Director

Howard Levenson, Deputy Director

Rubia Packard, Assistant Director

Pat Schiavo, Deputy Director

Joanne Vorhies, Assistant Director

Patty Wohl, Deputy Director

Elliot Block, Staff Counsel

Tom Estes

Suzanne Hambleton

Sheridan Merritt

Wes Mindermann

Geralda Stryker

Scott Walker

INDEX	PAGE
I. CALL TO ORDER	1
II. ROLL CALL AND DECLARATION OF QUORUM	1
III. OPENING REMARKS	2
VII. NEW BUSINESS AGENDA ITEMS	3
Sustainability And Market Development	
8. Consideration Of The Use Of Extrapolated Methodologies In New Base-Year Generation Studies -- (Committee Item J)	3
Motion	4
Vote	5
Permitting And Enforcement	
15. Discussion And Request For Rulemaking Direction To Formally Notice Proposed Regulations For RCRA Subtitle D Program Research, Development, And Demonstration Permits -- (Committee Item C)	15
17. Consideration Of A Revised Full Solid Waste Facilities Permit (Transfer/Processing Station) For The Grand Central Recycling And Transfer Station, Los Angeles County -- (Committee Item E)	42
Motion	44
Vote	45
18. Consideration Of A Revised Full Solid Waste Facilities Permit (Compostable Materials Handling Facility) For The Inland Empire Utilities Agency Composting Facility, San Bernardino County -- (Committee Item F)	45
Motion	46
Vote	46
20. Consideration Of New Projects For The Solid Waste Disposal And Codisposal Site Cleanup Program -- (Committee Item H)	47
Motion	48
Vote	48

INDEX CONTINUED

PAGE

Other

21. Discussion Of And Oral Report On Implementation Of The Board's Employee Suggestion Box Meeting Transmittal (Word 97, 25 KB)	48
22. Consideration Of Whether "Evidence Of A Recycled-Content Purchasing Policy Or Directive" Should Continue To Be A Scoring Criteria For Board Grant Programs Or Become An Eligibility Requirement	56
VII. Public Comment	71
IX. Adjournment	71
Reporter's Certificate	72

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

1 PROCEEDINGS

2 CHAIRPERSON MOULTON-PATTERSON: Welcome back to
3 the second day of the month of July meeting of the
4 California Integrated Waste Management board.

5 Ms. Waddell, would you please call the roll.

6 SECRETARY WADDELL: Marin?

7 BOARD MEMBER MARIN: Aye, present, here,
8 whatever.

9 SECRETARY WADDELL: Mulé?

10 BOARD MEMBER MULÉ: Here.

11 SECRETARY WADDELL: Paparian?

12 BOARD MEMBER PAPARIAN: Here.

13 SECRETARY WADDELL: Peace?

14 BOARD MEMBER PEACE: Here.

15 SECRETARY WADDELL: Washington?

16 BOARD MEMBER WASHINGTON: Here.

17 SECRETARY WADDELL: Moulton-Patterson?

18 CHAIRPERSON MOULTON-PATTERSON: Here.

19 Okay, ex partes.

20 Ms. Mulé?

21 BOARD MEMBER MULÉ: I'm up to date, thank you.

22 CHAIRPERSON MOULTON-PATTERSON: Ms. Peace?

23 BOARD MEMBER PEACE: I am also up to date.

24 CHAIRPERSON MOULTON-PATTERSON: Ms. Marin?

25 BOARD MEMBER MARIN: So am I.

1 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian?

2 BOARD MEMBER PAPARIAN: My office just got a
3 couple of letters. I don't have them in front of me,
4 unfortunately. Maybe we'll get to them when we deal with
5 the Grand Central Recycling Station -- oh, here they are.

6 I have a letter from the North Whittier --

7 CHAIRPERSON MOULTON-PATTERSON: Then you can do
8 it for all of us.

9 BOARD MEMBER PAPARIAN: -- the North Whittier
10 Watch and Concerned Citizens and one from George Ibarra,
11 both related to the Grand Central Recycling and Transfer
12 Station.

13 CHAIRPERSON MOULTON-PATTERSON: Thank you.

14 Mr. Washington.

15 BOARD MEMBER WASHINGTON: I'm up to date.

16 CHAIRPERSON MOULTON-PATTERSON: Okay. Ms.
17 Carter -- you know, you can get back to me on this -- but
18 there was some question on ex partes with Ms. Tobias
19 about -- do we have to ex parte other state personnel in
20 different departments?

21 CHIEF COUNSEL CARTER: Let me get back to you so
22 that we have -- so we could have the policy.

23 CHAIRPERSON MOULTON-PATTERSON: Yeah, so we could
24 have -- there was a little confusion.

25 Yes, Rosario -- I mean Rosalie. I'm sorry.

1 BOARD MEMBER MULÉ: That's okay.

2 Madam Chair, I believe we all received the
3 letters that Board Member Paparian had just mentioned. So
4 I --

5 CHAIRPERSON MOULTON-PATTERSON: Yes, those are ex
6 partes for everyone.

7 BOARD MEMBER MULÉ: Thank you.

8 CHAIRPERSON MOULTON-PATTERSON: Thank you.

9 So you'll get back to us, Ms. Carter?

10 Thank you.

11 Okay. If you would like to speak to the Board,
12 there's speaker slips in the back. Please give them to
13 Ms. Waddell.

14 I'll briefly go over the agenda for today. We're
15 going to finish up Item No. 8 that we continued from
16 yesterday. Then Mr. Levenson's going to be giving an
17 update on La Montana and Gregory Canyon.

18 Then we will go to Item 15, 17, 18, 19, 20. And
19 then 21 Ms. Peace and Mr. Paparian are going to give us a
20 presentation. And No. 22.

21 And then we're on to the picnic, our staff
22 picnic. We're looking forward to that.

23 So we'll go right to Mr. Shiavo and No. 8.

24 DEPUTY DIRECTOR SCHIAVO: Okay. Pat Shiavo,
25 Diversion, Planning and Local Assistance Division. And

1 where we left that was we presented you -- you know, we
2 gave you a presentation. The resolution at the request of
3 Board Member Marin was sent over to Yvonne Hunter to take
4 a look at. Yvonne looked at it. She's in general
5 agreement with the concept, made some editorial comments
6 to the resolution.

7 And that's where we are right now, is the
8 resolution piece.

9 CHAIRPERSON MOULTON-PATTERSON: Ms. Marin.

10 BOARD MEMBER MARIN: Madam chair, it will be my
11 pleasure to move the item now. I think that there is
12 total agreement with everybody. And so I move the item.

13 CHAIRPERSON MOULTON-PATTERSON: Okay. And you're
14 okay with it, Mr. Paparian?

15 BOARD MEMBER PAPARIAN: Yes, with the revisions
16 suggested by Ms. Hunter from League of Cities, I think
17 it's much improved. And I think we should all have a copy
18 of the strikeout version with the shading and so forth.

19 CHAIRPERSON MOULTON-PATTERSON: Right.

20 And you're seconding it?

21 BOARD MEMBER PAPARIAN: Yes, please.

22 CHAIRPERSON MOULTON-PATTERSON: Okay. So we have
23 a motion by Ms. Marin, seconded by Mr. Paparian, to
24 move -- what's the number? -- 2004-198 revised.

25 Please call the roll.

1 SECRETARY WADDELL: Marin?

2 BOARD MEMBER MARIN: Aye.

3 SECRETARY WADDELL: Mulé?

4 BOARD MEMBER MULÉ: Aye.

5 SECRETARY WADDELL: Paparian?

6 BOARD MEMBER PAPARIAN: Aye.

7 SECRETARY WADDELL: Peace?

8 BOARD MEMBER PEACE: Aye.

9 SECRETARY WADDELL: Washington?

10 BOARD MEMBER WASHINGTON: Aye.

11 SECRETARY WADDELL: Moulton-Patterson?

12 CHAIRPERSON MOULTON-PATTERSON: Aye.

13 Okay. I'm going to turn it over to -- Ms. Marin,
14 would you like to give your report as Chair of P&E before
15 Mr. Levenson gives his update or want to wait until we get
16 to 15? It doesn't matter.

17 BOARD MEMBER MARIN: No, he can go ahead and give
18 his report.

19 CHAIRPERSON MOULTON-PATTERSON: Okay. Mr.
20 Levenson.

21 DEPUTY DIRECTOR LEVENSON: Okay. Good morning,
22 Board members, Madam Chair. Howard Levenson of Permitting
23 and Enforcement Division.

24 I'd like to give you two quick updates, one on La
25 Montana and one on Gregory Canyon.

1 Yesterday there was a hearing down south
2 regarding La Montana. And at the hearing the city's
3 petition for the appointment of a receiver was approved,
4 which basically gives us a green light to begin proceeding
5 with the Board-managed cleanup project.

6 However, while this is obviously a very positive
7 development, we don't know what impact the receivership
8 process is going to have on our timeline. So the first
9 step is for the receiver to prepare a report for the
10 court. The city is quite hopeful that this is going to
11 proceed quickly, and is coordinating with us, with our
12 legal and cleanup staff, along with the city attorney, to
13 get in touch with the receiver and discuss how this
14 process will mesh with our cleanup process.

15 So we'll need to work directly with the receiver,
16 particularly to obtain his or her authorization on
17 timelines for implementing the removal plan.

18 Prior to yesterday we had coordinated with
19 Communities for a Better Environment and the city to plan
20 a public meeting, tentatively on August 12th, to get input
21 from the community on the draft removal workplan and
22 community health and safety plan that's being prepared by
23 our contractors and consultants. We have a target date of
24 July 29th for getting the draft plan from our contractor,
25 and that would give the city and the community, CBE, time

1 to get notices out about a public meeting on the workplan.

2 Obviously we may need to reschedule that,
3 depending on our discussions with the receiver, until we
4 get a proper authorization.

5 We're also working with our Office of Public
6 Affairs, the city and CBE to have some kind of community
7 celebratory event a day or two before we actually begin
8 the cleanup project itself.

9 So, you know, there are some issues that may make
10 the workplan tricky given this potential uncertainty in
11 time frames. There's also some direction from the judge
12 yesterday that the receiver has some obligation to the
13 property owner to minimize costs. So we will have to work
14 about this all out. And we'll report to you obviously
15 when we have more information. But certainly it's a major
16 positive milestone.

17 And we'll keep you apprised. And Public Affairs
18 will be coordinating with your offices when we do schedule
19 a celebratory event down there in. -- ahead of the actual
20 cleanup at the starting.

21 CHAIRPERSON MOULTON-PATTERSON: I just want to
22 thank you, Howard, and your staff, Scott, everyone that's
23 worked so hard on this. This is really good news. And we
24 really have a lot to celebrate, don't we. I know Ms.
25 Marin and I will definitely want to get that on our

1 calendar.

2 DEPUTY DIRECTOR LEVENSON: Yeah, this is very
3 positive. And I --

4 CHAIRPERSON MOULTON-PATTERSON: Mr. Washington --
5 and Mr. Washington.

6 BOARD MEMBER WASHINGTON: Thank you.

7 Mr. Levenson, in terms of timing, I'm concerned
8 about this timing thing. And I hear you're kind of like
9 just out there saying we don't know.

10 So you don't have any time frame as to when this
11 would take place at all? Are we just like up in the air
12 on this and just --

13 DEPUTY DIRECTOR LEVENSON: Well, it depends to a
14 large extent on what the receiver -- what we can work out
15 with the receiver and report back to the court, because we
16 need to get authorization from the receiver to actually go
17 on site and work that through.

18 BOARD MEMBER WASHINGTON: Did the court require
19 that you come back in 30 days, 60 days or --

20 MR. WALKER: This is Scott Walker, Permitting and
21 Enforcement Division.

22 We will be sitting down and talking with the
23 receiver. Now, the receiver has a substantial amount of
24 authority to issue authorization. But, you know,
25 exactly -- the timeframe will depend upon how he will

1 implement that authorization.

2 Our understanding is that potentially it could be
3 pretty rapid, and that not necessarily would he have to go
4 back to court in order to make the decision to direct us
5 to go forward. But we're not going to confirm that until
6 we actually sit down with him and go over the process and
7 the timeline with him. But we do know that he essentially
8 has control over decisions related to that property and
9 will have the authority to authorize us to proceed with
10 the project.

11 BOARD MEMBER WASHINGTON: So we do hope, and as I
12 desired it, that we will work with the receiver and get
13 this thing moved rapidly so we don't have to sit around
14 and wait six and seven months just to have a conversation
15 as to when this is going to take place. I hope that we
16 can really get him to come to the table and say, "Hey, we
17 want to move forward and let's get this done and let's
18 expedite this process." The folks have been waiting a
19 long time down there to get this stuff, you know, out of
20 their face.

21 MR. WALKER: But we anticipate the draft final
22 workplan the 29th, as close to that date as possible
23 getting that to the receiver and getting it over and done
24 with.

25 BOARD MEMBER WASHINGTON: Okay. All right,

1 that's better. Yeah, all right, good.

2 Thank you, sir.

3 CHAIRPERSON MOULTON-PATTERSON: Thank --

4 DEPUTY DIRECTOR LEVENSON: You know, if all goes
5 well, we hope to be starting some time in August --

6 BOARD MEMBER WASHINGTON: Great.

7 DEPUTY DIRECTOR LEVENSON: -- with that
8 authority.

9 I do want to acknowledge your positive comments
10 and point out, not only Scott and Wes, but also Steve
11 Levine from the Legal Office -- those three are really the
12 linchpins on this project -- and Jeff Cornette down on the
13 site from our staff.

14 CHAIRPERSON MOULTON-PATTERSON: Great. Thank
15 you, and to all of them.

16 BOARD MEMBER WASHINGTON: Madam Chair, I would
17 just like to attach myself to your comments. Staff has
18 done a fabulous job at getting this to where we are today,
19 and I appreciate it likewise.

20 DEPUTY DIRECTOR LEVENSON: Thank you.

21 CHAIRPERSON MOULTON-PATTERSON: Thank you.

22 Ms. Marin.

23 BOARD MEMBER MARIN: Madam Chair, the only thing
24 that I would like to add to everything that has been said
25 is that, my understanding from the judge's demeanor, it's

1 like he wants to get this thing done rather quickly, no
2 more excuses, let's just do it. And I think that the
3 message was very loud and clear that the community can no
4 longer wait, that they -- you know, along with your
5 comments, Mr. Washington. So it seems that everybody's
6 just really moving right ahead.

7 And I just want to commend the Board again, Madam
8 Chair, for all your leadership in making sure that this
9 happens, and staff for all their hard work.

10 Thank you.

11 CHAIRPERSON MOULTON-PATTERSON: Yeah, it's really
12 great to see this.

13 Thank you.

14 DEPUTY DIRECTOR LEVENSON: Thank you.

15 I'd also like to give you an update on Gregory
16 Canyon landfill. Yesterday was another major day in the
17 saga of that landfill. As you know, the Board of
18 Supervisors heard an item yesterday regarding
19 certification of the petition to place an initiative on
20 the ballot to repeal the prior ordinance, the Gregory
21 Canyon Landfill and Recycling Collection Center Ordinance.

22 The first issue for the Board of Supes yesterday
23 was to vote on whether to receive the certification from
24 the registrar of voters that the petition contained a
25 sufficient number of valid signatures. And they did

1 accept that vote -- 6-0 to accept that.

2 They also then had to select between one of two
3 options. The first option was to adopt a resolution that
4 called for putting the initiative on the ballot. Or
5 second option was to direct staff to prepare an impact
6 report and present it back to the Board on August 3rd
7 along with a resolution calling for placing the initiative
8 on the ballot.

9 The Chairwoman, Diane Jacob, recommended that the
10 second option be implemented, that is, prepare -- giving
11 staff direction to prepare an impact report and report
12 back to the Board of Supes on August 3rd, along with the
13 resolution. And the entire board voted unanimously to do
14 that.

15 So its's our understanding that there will be
16 another hearing at the Board of Supervisors on August 3rd.
17 They haven't --

18 CHAIRPERSON MOULTON-PATTERSON: So they didn't
19 set a date, is that right? Or did they set a date for
20 the --

21 DEPUTY DIRECTOR LEVENSON: August 3rd, yes.

22 CHAIRPERSON MOULTON-PATTERSON: The election's on
23 August --

24 DEPUTY DIRECTOR LEVENSON: No, no. On August 3rd
25 they will get the reports -- the impact report back from

1 the staff along with the resolution to place the ballot --
2 the initiative on the ballot. They have until I believe
3 it's August 6th to make that decision about placing the
4 initiative on the ballot.

5 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

6 DEPUTY DIRECTOR LEVENSON: And as you know, we
7 did receive a waiver from the operator for the time limit
8 extending that into August. So right now, on the basis of
9 information that we have, we will have the Gregory Canyon
10 item scheduled for the August Committee and August Board
11 meetings, unless we get other information.

12 CHAIRPERSON MOULTON-PATTERSON: Really? Okay.

13 BOARD MEMBER WASHINGTON: Madam Chair?

14 CHAIRPERSON MOULTON-PATTERSON: Yes, Mr.
15 Washington.

16 BOARD MEMBER WASHINGTON: I'd like to -- and I
17 apologize for not doing so. I'd like to ex parte Mike
18 Gotch, who is the consultant for the Gregory Canyon
19 landfill folks. I talked to him late last night.

20 And he did give me an update. They are almost
21 sure that this will go through the November ballot, that
22 in their speaking with the Board of Supervisor members,
23 they will vote to put it on the ballot once that impact
24 comes back. So we will see an initiative go forward. And
25 he's -- they just believe that they have the -- they have

1 opportunity for the people to vote on this once again to
2 see whether they want to put the Gregory landfill in that
3 area. So we're just -- we're pretty much waiting to see
4 what happens here.

5 CHAIRPERSON MOULTON-PATTERSON: Okay. But it
6 will be on our agenda in August, is that -- Yeah. Okay.

7 BOARD MEMBER WASHINGTON: Yeah, that's a good
8 question how we handle that.

9 CHAIRPERSON MOULTON-PATTERSON: Yeah.

10 Okay. Thank you.

11 Mr. Levenson, thank you for your report.

12 And now I would like to turn it over, before we
13 go into the P&E items, to our new Chair of Permitting and
14 Enforcement, Ms. Marin.

15 BOARD MEMBER MARIN: Thank you, Madam Chair.

16 We had a wonderful Committee. I want to thank
17 the members of my Committee. They made it so easy and so
18 wonderful. So thank you for making my first experience an
19 enjoyable one.

20 As obviously it has been stated, Item 14 was
21 pulled at the request of the applicant.

22 We had one particular item that was just a "for
23 discussion in Committee" only. Another one -- that was
24 the study.

25 One item went into consent and one item went into

1 fiscal consent.

2 Two other items were on a unanimous vote. But
3 obviously -- they're permits so we need -- the entire
4 Board needs to hear it.

5 And I'm very happy. I think that together we can
6 accomplish so much. And I just want to thank my
7 colleagues on that Committee for their tremendous work on
8 this effort.

9 Thank you.

10 CHAIRPERSON MOULTON-PATTERSON: Thank you, Ms.
11 Marin.

12 Okay. Mr. Levenson, Item No. 15.

13 DEPUTY DIRECTOR LEVENSON: Okay. Madam Chair,
14 Board members. Item No. 15 is a discussion and request
15 for rulemaking direction to formally notice proposed
16 regulations for RCRA, Subtitle D Program Research,
17 Development, and Demonstration permits. And as you know,
18 we had a lengthy discussion on that at the Committee.
19 We've a workshop earlier at the end of June.

20 And Scott Walker will be making the presentation
21 on that item.

22 CHAIRPERSON MOULTON-PATTERSON: Okay. And we
23 have a number of speakers on it also.

24 (Thereupon an overhead presentation was
25 Presented as follows.)

1 MR. WALKER: Thank you. Scott Walker, Permitting
2 and Enforcement Division.

3 This item considers proposed regulations to start
4 the formal rulemaking process to incorporate the recent
5 U.S. EPA Research, Development and Demonstration Permit,
6 or RD&D, final rule.

7 This rule would allow approved Subtitle D
8 programs states such as California the authority to issue
9 site-specific waivers or variances from certain specific
10 Subtitle D criteria under specified conditions. The
11 intent of this rule is to foster innovative municipal
12 solid waste landfill technology such as bioreactor and
13 also -- there's also others such as alternative final
14 cover systems.

15 Recommended regulations to start the formal
16 rulemaking process were presented to the Board in May.
17 The Board directed staff to bring the regulations back to
18 July after conducting an additional workshop. We did that
19 workshop on June 28th.

20 On July 6th, the Permitting and Enforcement
21 Committee directed staff to bring to the Board for
22 consideration a revision to staff's recommendation to
23 address three issues, which I'll get into briefly.

24 This revision to staff's recommendation is Option
25 2 and is to be considered along with Option 1, which is

1 staff's recommendation.

2 Option 2 is to address three issues in the
3 regulations, including:

4 A requirement for additional information and data
5 to assist the Board in making future decisions based on
6 accurate, consistent, and relevant data.

7 The second is to require preprocessing to remove
8 recyclable materials from the waste stream prior to
9 disposal in an RD&D project unit.

10 And then the third is to limit the number of RD&D
11 permits issued.

12 --o0o--

13 MR. WALKER: Option 2 is providing as a handout
14 at the front desk. And we also have it summarized in this
15 slide. I'd just like to very briefly just go over this.

16 Staff has conferred with the Legal Office as
17 directed by the Committee. And the Board has -- we
18 conclude that the Board has general authority to place
19 such requirements and limits based on the authority we
20 have to protect public health and safety and the
21 environment.

22 In addition, we also have flexibility because the
23 federal authority allows RD&D permits is permissive in
24 nature. In other words the Board does not have to
25 incorporate this rule or concur with these permits.

1 However, the Board must show the necessity in
2 adopting such limits and regulations in order to meet the
3 requirements of the Administrative Procedures Act which is
4 administrated by the Office of Administrative Law.

5 At the present time staff lacks technical
6 information in order to justify to OAL the requirements
7 for preprocessing and limiting the number of permits.
8 However, staff has developed language in Option 2 that the
9 Board could include for the 45-day comment period on these
10 two issues. And this would allow commenters to provide
11 additional information for the technical justification
12 that we could consider in order to meet OAL requirements.

13 And those two requirements listed in the slide
14 and handout are, regarding preprocessing, alternative or
15 Option B1, and then regarding the limitation of the number
16 of permits, C1. In other words we can put those in and
17 then seek out the justification from the commenters if the
18 Board so directed us.

19 Just a couple of points. The preprocessing
20 requirement is basically based on the requirements
21 applicable for transformation facilities in order to
22 petition for the 10-percent diversion credit under the
23 Public Resources Code. So for those they have the
24 specific statute to point to. For landfills we don't have
25 a specific statute to point to, but we do have some

1 general authority to impose such limits.

2 The second point being that the Board has not to
3 date imposed limits on the number of any permits issued,
4 so there's no precedent for this type of limit.

5 Staff does conclude that we have initial
6 justification for alternative language in Option 2 for the
7 recommendations we had for additional data and information
8 to be obtained on these projects. And that's Option
9 2(a)(1). And also we have Option 2(B)(2), which would
10 address the preprocessing and limiting the number of
11 permits. And what that is, that would essentially require
12 the Board the review these regulations at a three-year
13 point to determine whether or not they needed to be
14 revised, limited or repealed based on these issues, in
15 addition to others that may come up.

16 So that concludes staff's presentation. And we
17 are available to answer questions.

18 Thank you.

19 CHAIRPERSON MOULTON-PATTERSON: Okay. I see no
20 questions right now. So I'll go straight to our speakers.

21 We have quite a few people that wish to speak.
22 So if you could try and keep it concise and to not more
23 than three, minutes, I would appreciate it.

24 Shannon Wright.

25 MR. WRIGHT: Good morning, Madam Chair and

1 members of the Board. My name is Shannon Wright, and I'm
2 representing the firm CH2M Hill.

3 I'm here to support the efforts of the California
4 Integrated Waste Management Board in their proposal to
5 modify Title 27 of the California Code of Regulations,
6 specifically the RD&D Permit Rule, Option A.

7 We believe the proposed rule allows for
8 innovation, which leads to further reductions of risks to
9 human health and the environment and includes other
10 benefits such as renewable energy and leachate treatment.

11 The rule still puts the onus on the owners and
12 engineers to demonstrate the RD&D variances do not
13 adversely affect the risk to human health, and safety and
14 the environment.

15 The proposed rule will provide at a minimum the
16 same level of effort during permitting as is currently
17 practiced for existing landfills. This includes
18 presenting sound engineering as well as proposed
19 monitoring and data gathering requirements.

20 In our work with bioreactors we have found that
21 there are over two decades of available peer-reviewed
22 publications demonstrating the science behind bioreactors.

23 The published information demonstrates that
24 there's actually less environmental risk through the
25 relatively rapid stabilization and settlement of waste,

1 rapid production of landfill gas, and treatment of
2 leachate within an appropriately designed and constructed
3 landfill cell.

4 Bioreactor landfilling is not inherently
5 incompatible with recycling efforts and source-separated
6 composting, which are still preferred under AB 939. Even
7 after source separation, some organic putrescible waste
8 will remain. Bioreactor landfilling will expedite
9 decomposition and stabilization much quicker than standard
10 dry entombment in most climates given adequate water is
11 available.

12 We feel the proposed rule offers significant
13 benefit to the future of waste management, while still
14 maintaining the current levels of performance and
15 environmental protection, with a continued emphasis on
16 source reduction and recycling efforts including
17 composting.

18 Thank you.

19 CHAIRPERSON MOULTON-PATTERSON: Thank you Mr.
20 Wright.

21 Scott Smithline, Californians Against Waste,
22 followed by Chuck White.

23 MR. SMITHLINE: Good Morning, Madam Chair, Board
24 members. Thank you for the opportunity to testify on this
25 issue yet again. I might be a little bit disorganized

1 having just seen these options for the first time, but I
2 think I know where we stand.

3 I just want to reiterate that we think the most
4 important question here to be asking is, once again, what
5 information are we going to want to determine the
6 environmental -- whether these are environmentally
7 preferable alternatives? And, frankly, I'm encouraged by
8 some of these alternatives that we see before us here
9 because I think they begin to address that issue.

10 I'm not sure that -- with respect to the
11 requirement for additional information that Option A1 is
12 exactly where we want to go, but we think it's definitely
13 a very good start, and I would strongly urge the Board to
14 consider adopting that option. And I guess this is sort
15 of like a buffet; you can pick multiple options here. So
16 on that note, I think we would be in support of Option 2
17 issue BB1 and Option 2 issue CC1. I think both of those
18 lead the conversation in the right direction. As we said
19 before, we want to see these technologies be developed,
20 and we want to make sure that the research is accompanying
21 them so that we can determine whether or not they're
22 environmentally preferable.

23 I'd like just to make one brief comment on the
24 organics issue, which is: In this staff agenda item,
25 Comment 4, Staff Response, there's a statement that says,

1 "There should be no incentive as a result of these
2 regulations for waste to go from composting to bioreactor
3 landfills." And we frankly just disagree with that
4 statement. We think there is incentive. The incentive is
5 that the only way that these are really economically
6 viable is the recovery of air space; and the recovery of
7 airspace directly proportional to the amount of organics
8 in the wet cell itself. So that we think that definitely
9 creates an incentive to divert organics from wherever else
10 they may go, from whatever higher use they may go to the
11 wet cell itself.

12 And on that note we just urge caution here,
13 because there's never really been any studies done on the
14 effects on the organics markets of alternative daily
15 cover. The Board is in the process of approving
16 regulations on conversion technologies, which also will be
17 competing for the same organic feed stock. And now we
18 have wet cell technologies, which in addition will be
19 competing for the same feed stock and we're concerned that
20 the cumulative effect here may be getting way from us with
21 its effect on composting. So we urge you to consider
22 that.

23 Than you very much.

24 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
25 Smithline.

1 Chuck White of Waste Management, followed by
2 Chris Richaels.

3 MR. WHITE: Madam Chair, members of the Board.
4 Chuck White representing Waste Management.

5 Waste Management supports the release of the
6 proposed regulations developed by staff for a 45-day
7 public comment. It's time to get all these comments on
8 the record for the Board to consider somewhere down the
9 road the adoption of a final rule.

10 I think it's important to recognize that the RD&D
11 rule only provides a limited conditional variances to
12 requirements that were imposed on California by the
13 Federal Subtitle D rule in 1993. It does not provide any
14 waiver to any California standard only, those imposed by
15 the federal government.

16 We do not believe that further changes to the
17 proposed regulations are necessary or warranted at this
18 time. We do not believe that there is any technical
19 justification for the more restrictive options that are
20 being presented today.

21 In terms of control units, Option 1, for RD&D
22 permits, that may be appropriate for pure research
23 projects. But I would urge you to remember that the RD&D
24 is research, development and demonstration. There are two
25 D's involved in that. And we don't think that a formal

1 scientific research protocol is appropriate for
2 demonstration and development type projects.

3 Preprocessing. We don't believe there's any
4 technical justification for putting such a requirement in
5 the minimum standards of this Board.

6 Number 3, number of permits. What number? What
7 basis? Does this mean that the first come, first serve
8 would be able to get a permit? Would this encourage
9 quick, poorly thought-out proposals as opposed to slower,
10 well thought-out proposals? We believe that a limitation
11 on the number of permits would be inappropriate.

12 That being said, we do not oppose solicitation of
13 public comment on any issue that has been brought to the
14 attention of the Board. And that would include these
15 issues here. If you believe -- we do not believe that
16 there is any basis for proposing these amendments at this
17 time. But we certainly would not object to the Board in
18 your notice soliciting comment on these or anything else
19 that you believe warrants further discussion during the
20 public comment period.

21 Indeed the whole purpose of the RD&D rule is
22 really to evaluate proposals to determine if the regs
23 should be permanently modified, not this year, not next
24 year, but at some time in the future. So we would like to
25 get on with the RD&D, research, development and

1 demonstration, to gather information so EPA and this Board
2 and the State Water Board can determine if these rules
3 need to be modified some time within this 12-year horizon
4 that the LRD&D permit process operates.

5 Finally, I wanted to speak for SWANA, the
6 California chapters of SWANA. Yvette and Paul Yoder could
7 not be here today. But they asked me to provide comments
8 to you indicating that they would likewise support putting
9 the currently proposed regulations out for public notice
10 and do not believe that further amendments to that
11 proposed regulation are warranted at this time.

12 Thank you very much.

13 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
14 White.

15 Chris Richaels. And I hope I'm pronouncing it
16 right. You can correct me.

17 MR. RICHAEELS: Chris Richaels, Sacramento County
18 Department of Waste Management and Recycling.

19 I'm not here to talk about the technicals with
20 bioreactors. There's a lot of people in this room that
21 can talk that techno-ese a lot more intelligently and
22 accurately than I can so, I won't even try.

23 I'm here to talk to you about the public policy
24 perspective for local governments. Local governments are
25 under a variety of state and federal mandates for all

1 sorts of things. One of those is recycling. Well,
2 recycling programs cost us dollars. And to recover -- or
3 to generate revenue to cover those program costs, we have
4 a mixed bag of ways of doing that, most of it in tip fees
5 and collection fees, household fees.

6 For recycling programs in Sacramento County we
7 have mixed recyclables and green waste as source separated
8 at the curb. We also have backyard composting available,
9 In addition to that, curbside recycling. Green waste is
10 our best bang for the buck as far as meeting 939
11 diversions. Here in the self-described City of Trees, we
12 have a lot of green waste.

13 Problems with green waste aren't in collecting it
14 and diverting it. Problems with green waste are in how
15 it's processed. There are probably some in this room that
16 know that this area, the Sacramento County area experience
17 with composing vendors has not been exactly wonderful.
18 There was -- the latest RFP for green waste processing
19 received one bid.

20 So the issue that somehow this technology could
21 hurt green waste processing, well, beyond the 939
22 prohibition on that it doesn't seem to be that great a
23 concern to the business market in this area.

24 But to bioreactors as a public policy
25 perspective, as far as technical stuff the only thing I'll

1 say to that is, the issues surrounding, the technical
2 issues surrounding it have engineered solutions available.
3 And I think that's the intent of the R&DD rule or RD&D or
4 however those letters go together, is to find those
5 solutions such that they can be codified and regulated in
6 future applications of the technology.

7 From a long range public policy perspective,
8 going back to our cost to do recycling programs, all these
9 cool recycling programs that we're doing and we'd like to
10 maintain and improve upon, this technology provides gas
11 energy sales through the accelerated decomposition of the
12 organics in the processing unit. And notice I didn't say
13 landfill but processing unit. I'll get to that in a sec.

14 Right now natural gas value in California is \$5
15 per thousand cubic feet at the wellhead. And what that
16 means is it's coming at -- most of the natural gas coming
17 into California is coming in to coming here through the
18 Kingsbury Gate at the Idaho-Canada border and in Texas.
19 Very few -- or not much of it is generated within this
20 state. This technology could help close part of that gap.

21 Well, that \$5 per thousand cubic feet speaks
22 revenue to me, revenue that we could generate using
23 unwanted organics to fund and support all those other
24 programs that we're partially mandated to do and partially
25 want to do.

1 The other policy perspective about bioreactor
2 technology is applying it to its logical conclusion. This
3 could be the end of traditional landfilling as we know it.
4 And that's where I mean a processing unit versus a
5 landfill. A bioreactor brought to its logical conclusion
6 is a solid waste processing technology. You render the
7 organics inert, you go in and mine that now inert pile,
8 and you can recover all those inorganics, all those
9 inerts, all those metals, rubble, plastic, wood, et
10 cetera, that somehow misses the diversion programs. So I
11 mean that happens. We do not collect everything
12 recyclable. It's just not possible.

13 So, the broader issue here is not just
14 bioreactors versus recycling. Bioreactors are brought to
15 the end. It's solid waste processing. Much like waste
16 water is processed, solid waste can be processed in these
17 units. So that all that we would ever be concerned about
18 again in this state would be disposing inerts that have no
19 use or value to anyone. Not municipal solid waste but
20 inerts, which is much easier to maintain in a post-closure
21 period.

22 But for us to do that, for us to get there, for
23 us to find that funding for all these other recycling
24 things that we want to do, we got to talk through the door
25 and start exploring this technology.

1 So as I noted on my speaker slip, we're in
2 support of the staff recommendation for Option 1.

3 Thank you.

4 CHAIRPERSON MOULTON-PATTERSON: Thank you very
5 much.

6 Ramin Yazdani, Yolo County Public Works.

7 MR. YAZDANI: Good morning, Madam Chair and Board
8 members.

9 I'm here to support the staff recommendations
10 Option 1 for the RD&D rule.

11 I think a few things I want to mention is that
12 Yolo County has been successfully -- Yolo County is the
13 only landfill in the State of California that has Subtitle
14 D revised so that they can actually do the bioreactor. So
15 we have been doing research and development, demonstration
16 since 1994. And I think Yolo County is an example of what
17 could these projects that are going to come before you in
18 the future, how they would help the State of California
19 and the state of research and new way of thinking about
20 solid waste.

21 The other think I want to mention is that the
22 county also has a successful green waste diversion
23 program. We divert green waste, wood waste from our waste
24 stream. We're in the process of expanding that operation
25 while we're doing bioreactor project. And our bioreactor

1 project does not depend on the green waste facility. Our
2 operation is a private-public partnership, and the
3 facilities continue to divest green waste. We're also
4 going to expand the composting operation at our facility.

5 So in addition to that, the county has
6 successfully been able to work with the state and
7 regulatory agencies to go through the permitting process.
8 It took over a year for us to put something together that
9 was acceptable by everyone.

10 But we did not have to have all these additional
11 options in front of us. I think, frankly, those options
12 would actually make it more difficult and it would become
13 a hindrance to the research and development.

14 I think the regulations as are written by EPA are
15 adequate, and the state agencies, Water Board and the
16 Waste Board, have the authority to inflict more
17 requirements. And that's at their discretion. And I
18 think I would support additional requirements that the
19 Water Board or the Waste Board would require from anyone
20 who wants to do a demonstration project.

21 But I just wanted to mention that Yolo County
22 could be a kind of a case that you could look at and say,
23 "Can this be done as the way the EPA regs are written?"
24 And I think the answer is, yes, it can be done. It
25 doesn't -- the working document that's going to come

1 before the staff is going to allow them to put any kind of
2 control they like in addition to what EPA has done.

3 So, in summary, I think it's a great step towards
4 a different way of thinking and improving the way we
5 manage our solid waste. And I admire the staff and all
6 the Board members for supporting such a research and
7 development for California.

8 And thank you for hearing me this morning. And
9 again I urge you to support the Recommendation No. 1 for
10 this item.

11 Thank you.

12 CHAIRPERSON MOULTON-PATTERSON: Thank you very
13 much for being here.

14 Did staff have any comments concerning the
15 speakers?

16 Board members?

17 Mr. Paparian.

18 BOARD MEMBER PAPARIAN: Yeah, thank you, Madam
19 Chair.

20 I think it's important to keep in mind what it is
21 that's before us here. We're not adopting these
22 regulations today. We're not passing judgment on any
23 specific provision of the regulation today. We are
24 authorizing staff to go forward for the first 45-day
25 comment period to solicit input on the various aspects of

1 the regulations.

2 Now, the options before us on our screens I think
3 are important to put in the draft regulations that go out
4 for public review. That is not to say that these are the
5 things that are going to be finally in the regulations.
6 But it does put them on the table, so that anybody who
7 wants to look at the proposals have the opportunity to see
8 the universe of potential items that could be in the
9 regulations, and they then have the opportunity to comment
10 on those. Later on in the process, this Board will come
11 back and look at and determine whether to accept or reject
12 some of these items.

13 So I don't want to really get too far into the
14 pluses and minuses of each of these items here today. But
15 I do very strongly urge that we put them in the
16 regulations so that people do have the chance to comment
17 on them.

18 But I do want to just say one thing about the
19 preprocessing requirements, since that's grown a lot of
20 attention, and the question as to whether the Board even
21 has the authority to go forward with some sort of
22 preprocessing requirement. And I think that is something
23 that, you know, lawyers are going to argue about, our
24 lawyers will argue with other lawyers and so forth. But I
25 think it's important to get the public comments on it.

1 And I think that there is enough statutory
2 direction on this. If you go to the heart of our Statute
3 40051, it provides a hierarchy that we're supposed to
4 operate under: First, source reduction; then recycling
5 and composting; then environmentally safe transformation
6 and environmentally safe land disposal. And hopefully
7 this is environmentally safe land disposal. But it goes
8 on. It says that the Board shall -- it's not "may" -- the
9 Board shall maximize the use of all feasible source
10 reduction, recycling, and composting options in order to
11 reduce the amount of solid waste that must be disposed of
12 by transformation and land disposal.

13 And not only that. Not only do we have that in
14 the general requirements of the Board very clearly with
15 the shell. We have experience in this area with
16 transformation facilities. For transformation
17 facilities -- these are the three solid waste incinerators
18 in the state -- there's very clear direction that those
19 projects must use front-end methods or programs to remove
20 all recyclable materials from the waste stream prior to
21 the transformation to the maximum extent feasible.

22 That's the sort of language that's being put out
23 here in B1. And that's the sort of language that I think
24 we ought to get the comments on. Then determine later
25 whether that's something we really want to continue to

1 have in there or not. But I think the justification for
2 putting it out there for comment is clear, and I'd urge
3 that we put all these items out there for comment,
4 including B1 and B2. I think -- I don't think they're
5 necessarily mutually exclusive. I think that we can get
6 comments on all of them.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
8 Paparian.

9 We'll hear from Ms. Mulé, followed by Mr.
10 Washington.

11 BOARD MEMBER MULÉ: Thank you, Madam Chair.

12 I do agree with Mr. Paparian in that this is just
13 to get these regs out for comment. And I guess I look at
14 it a little bit differently from you, Mike, in that why
15 can't we put them out as is and then solicit the input of
16 these types of issues? And I appreciate the statute
17 requirement. But I'm thinking, let's get them out as they
18 are now, and then solicit the input. Again, we're just
19 getting these out for input. And I, for one, am very
20 anxious to move the process forward.

21 Thank you, Madam Chair.

22 CHAIRPERSON MOULTON-PATTERSON: Thank you.

23 Mr. Washington.

24 BOARD MEMBER PAPARIAN: Could I just clarify?

25 Would that mean then putting these out as an

1 attachment to get comments or just --

2 BOARD MEMBER MULÉ: No.

3 BOARD MEMBER PAPARIAN: -- not having anything
4 out there at all? See, that's -- I don't think that's
5 fair to the public that's not here in this room.

6 BOARD MEMBER MULÉ: They're out. They're out
7 now. This is public information as far as I'm concerned.

8 BOARD MEMBER PAPARIAN: But to the people who are
9 not in the room who are going to look at the proposal, I
10 don't think that's fair.

11 CHAIRPERSON MOULTON-PATTERSON: Mr. Washington
12 has the floor right now.

13 BOARD MEMBER WASHINGTON: And I guess I was going
14 to ask the same question that Ms. Mulé just asked in terms
15 of, can't these be discussed during the 45-day comment
16 period? Why do we have to put them in our -- put them out
17 as a part of the regs? Can't someone just start
18 discussing them during the 45-day -- I'm just -- and,
19 Mike, you can respond. I'm just trying to figure out --
20 you tell me as your colleague why you want these in the
21 regs, because my thinking is that they could be discussed
22 anyway. Why do we have to put them as a part of our regs?
23 Why can't we just send them out as they are and then
24 discuss them? Do you think that they will be discussed?

25 BOARD MEMBER PAPARIAN: Okay. So someone in Los

1 Angeles gets the copy of the regulations. How do they
2 know that we want comments on something that isn't in the
3 document that they have in their hands?

4 BOARD MEMBER WASHINGTON: Well, who wants these
5 in there? Who wants these --

6 BOARD MEMBER PAPARIAN: I do. We had the support
7 of --

8 BOARD MEMBER WASHINGTON: Okay. So you'd get
9 them to the people in L.A.

10 BOARD MEMBER PAPARIAN: Okay. So --

11 BOARD MEMBER WASHINGTON: No, I'm just trying to
12 figure out -- go ahead.

13 BOARD MEMBER PAPARIAN: -- can I have the mailing
14 list for everybody we send these to so I can send an
15 appendix saying what I would like also in comments?

16 I don't think -- see, I don't think it works that
17 way. I think if we put them in the regulations, in the
18 draft, we'll solicit comment on the whole thing. Later on
19 we can decide, "Well, we don't like that. We'd like that
20 differently," and so forth. But for someone who's seeing
21 these regulations, they don't know that this is something
22 we want comments on if it's not there.

23 BOARD MEMBER WASHINGTON: Yeah. And I hear you.
24 I'm just not so sure that that's absolutely true. I think
25 that if these are comments and these are some suggestions,

1 someone out there know about them, and then they could be
2 a part of the discussion during the 45-day waiting period.

3 Thank you, Madam Chair. I just wanted to --

4 CHAIRPERSON MOULTON-PATTERSON: Thank you.

5 Ms. Marin is next.

6 BOARD MEMBER MARIN: Madam Chair, we had this
7 discussion during our Committee. And one of the things
8 why we allowed the staff to look into this was precisely
9 because, one, we wanted to know whether there had been
10 other situations, for example, in the number of proposed
11 permits. We wanted to know if that had ever taken place.
12 We really didn't want to create a new -- the way that I
13 put it is that we don't want to break new ground here.
14 This was just as a courtesy to some of the comments that
15 Mr. Paparian was raising. But that could very well and,
16 the way that I think, should be issues to be discussed
17 during the comment period.

18 The people that are concerned with some of these
19 issues will make their comments known during the comment
20 period. But the regulations, what we must not lose sight
21 of, what people will be commenting on is what they already
22 have before them, which is what the EPA had.

23 So the bottom line is the people that will make
24 the arguments for and against whatever we have here, they
25 will make the arguments, period. What we must not lose

1 site of is what's really before the people for discussion
2 is what is already out there for discussion.

3 I agree with my colleagues that we must go
4 forward to enable to have all of these comments on the
5 record. They will all be part of the record. And I am
6 sure everybody that feels that there ought to be a limit
7 will say that, that there is front-end methods that need
8 to be there. They will make those comments. And I for
9 one am very willing, ready and able to hear all of that,
10 but on the record. And unless we move this forward, we
11 can't have that.

12 CHAIRPERSON MOULTON-PATTERSON: Thank you, Ms.
13 Marin.

14 BOARD MEMBER MARIN: So I will make a motion if
15 you're ready, Madam Chair.

16 CHAIRPERSON MOULTON-PATTERSON: We don't really
17 need a motion. We just will need to direct staff. And
18 I -- you know, with all due respect to my colleague, I
19 think I hear the majority of the Board saying they want to
20 go with Option 1, to direct staff to notice the proposed
21 regulations for the first -- and there could be more,
22 right? -- publicly review and comment period.

23 BOARD MEMBER PAPARIAN: So, Madam Chair, can I
24 just clarify?

25 CHAIRPERSON MOULTON-PATTERSON: Sure.

1 BOARD MEMBER PAPARIAN: So in there there was
2 discussion -- in the information they put out, will they
3 solicit comments in these subject areas or will it just be
4 up to the public to guess that we want comments in these
5 areas? I mean it's just -- I don't think it's fair to the
6 public unless we put it in there that we'd like some
7 comments in these areas. So putting in the notice even --
8 put that we would like some comments in these areas in
9 addition to what's actually written in the draft
10 regulations.

11 CHAIRPERSON MOULTON-PATTERSON: Mr. Levenson, I'm
12 not -- I don't want to put you on the spot. But, you
13 know, I do want to know that the staff's recommendation
14 is.

15 DEPUTY DIRECTOR LEVENSON: If the Board wishes,
16 we certainly could include these issues and even this
17 language in the notice that accompanies the regulations so
18 that it's clear to folks that we are asking for comments
19 on this. That's one option for you. That would be fine
20 with us.

21 CHAIRPERSON MOULTON-PATTERSON: Ms. Peace.

22 BOARD MEMBER WASHINGTON: Madam Chair?

23 My question to you or Mr. Levenson, is this a
24 practice that we do for all of our 45-, 15-day comment
25 waiting period? Do we send out this type of stuff to

1 people saying, "Okay, comment additionally on these"? Or
2 do people bring them and comment on them if they raise
3 concerns about them?

4 CHAIRPERSON MOULTON-PATTERSON: Good question,
5 Mr. Washington.

6 And Ms. Peace wants to speak next.

7 STAFF COUNSEL BLOCK: Elliot Block. I just want
8 to -- Elliot Block with Legal Office.

9 It's not a common practice. We don't do it
10 regularly. We have done it on one or two occasions. The
11 C&D regulations, one of those packages at least, comes to
12 mind where we've specifically added some language to ask
13 for additional comments rather than just put the text out
14 there.

15 So we have done that sort of thing. It doesn't
16 happen all the time. It's just where it's merited. If
17 the Board believes that, we can do it.

18 CHAIRPERSON MOULTON-PATTERSON: Ms. Peace.

19 BOARD MEMBER PEACE: So if these things aren't
20 added in, that means we can't talk about them?

21 CHAIRPERSON MOULTON-PATTERSON: No, no.

22 BOARD MEMBER PEACE: So we can still -- even if
23 those aren't actually -- and these different options
24 aren't put in, that we could still get comments on them?

25 STAFF COUNSEL BLOCK: Absolutely.

1 CHAIRPERSON MOULTON-PATTERSON: Right.

2 I do think the direction of -- the majority of
3 the Board is Option 1.

4 And, Mike, you have such a good network to get
5 out your concerns, I think that's the way to do it.

6 BOARD MEMBER PAPARIAN: But can we -- like we did
7 with the C&D regs, can we put in the notice, even though
8 it's not in the draft regs, that we would like comments in
9 these areas?

10 CHAIRPERSON MOULTON-PATTERSON: That would be
11 fine with me. I mean, but not in the reg.

12 Do we have a problem with that, Board members?

13 BOARD MEMBER MULÉ: No.

14 CHAIRPERSON MOULTON-PATTERSON: I don't have a
15 problem with that. But I don't think they should be
16 directly in the regs. But I'll go with the majority of
17 the Board. Okay.

18 Let's go to Item No. 17.

19 DEPUTY DIRECTOR LEVENSON: Item 17 is
20 consideration of a revised Full Solid Waste Facilities
21 permit for the Grand Central Recycling and Transfer
22 Station in Los Angeles County.

23 Suzanne Hambleton will be making that
24 presentation.

25 I do want to note for the record that we

1 received -- or at least Board members received and we were
2 copied two faxes, one received yesterday -- excuse me --
3 from George Ibarra, and one received I believe this
4 morning, but dated yesterday, from Marilyn Komimura, both
5 indicating opposition to this.

6 CHAIRPERSON MOULTON-PATTERSON: I have this up
7 here.

8 MS. HAMBLETON: Good morning.

9 I'm Suzanne Hambleton from the Permitting and
10 Enforcement Division.

11 The Grand Central recycling and transfer station
12 is located in the City of Industry. It is located in an
13 industrial zone and is surrounded by compatible industrial
14 land uses.

15 The proposed permit will allow for a change in
16 the name of the owner from Industry Urban Development
17 Agency to Grand Central Recycling and Transfer Station,
18 Inc.; an increase in maximum tonnage from 1,500 tons per
19 day to 5,000 tons per day. It will change the permitted
20 acreage from 10 acres to 10.26 acres. It will increase
21 the number of load checks to five per day. And the
22 proposed permit will add four additional permit
23 conditions.

24 The LEA and Board staff have determined that all
25 necessary findings have been made. A final supplemental

1 EIR was prepared and certified for the project, and a
2 statement of overriding considerations was approved and
3 adopted due to significant adverse unavoidable impacts to
4 air quality.

5 A pre-permit inspection was conducted on June 9th
6 with the LEA, and no violations of state minimum standard
7 were observed.

8 As you've heard, we received recently two letters
9 in opposition to this facility. However, because a
10 supplemental EIR was done with mitigations for the
11 project, because there's no history of state minimum
12 standards violations at this facility, and because it's
13 located in an industrial zone, staff recommend that the
14 Board adopt Resolution 2004-188, and concur in the
15 issuance of Solid Waste Facility Permit 19-AA-1042.

16 CHAIRPERSON MOULTON-PATTERSON: Thank you very
17 much.

18 Mr. Washington.

19 BOARD MEMBER WASHINGTON: Madam Chair, I'm
20 prepared to move this item if there's no questions or
21 comments. I'd like to move adoption of resolution
22 2004-188.

23 CHAIRPERSON MOULTON-PATTERSON: I'll second it.

24 We have a motion by Mr. Washington, seconded by
25 Moulton-Patterson, to approve resolution 2004-188.

1 Without objection, substitute the previous roll
2 call.

3 Item 18.

4 DEPUTY DIRECTOR LEVENSON: Item 18, Madam Chair,
5 is consideration of a revised Full Solid Waste Facilities
6 Permit for the Inland Empire Utilities Agency Composting
7 Facility in San Bernardino County.

8 And Geri Stryker will make that presentation for
9 you.

10 MS. STRYKER: Good morning, Board members.

11 The Inland Empire Utilities Agency Composting
12 Facility is located in Chino on Chino-Corona Road and is
13 owned by the Inland Empire Utilities Agency.

14 The proposed permit will allow an increase in
15 traffic volume from 310 to 390 vehicle trips and to
16 increase the maximum daily tonnage from 1300 to 1700 tons.
17 It will Also allow the acceptance of chicken processing
18 bedding, litter, and recycled newsprint dewatered paper
19 fiber.

20 The LEA has certified that the application
21 package is complete and correct and that the report of the
22 facility information meets the requirements of the
23 California Code of Regulations.

24 The LEA has determined that the California
25 Environmental Quality Act has been complied with.

1 Having established that all requirements have
2 been met, Board staff recommends that the Board adopt
3 Solid Waste Facility Permit Decision No. 2004-190,
4 concurring with the issuance of the Solid Waste Facility
5 Permit No. 36-AA-0316.

6 CHAIRPERSON MOULTON-PATTERSON: Thank you very
7 much.

8 Ms. Marin.

9 BOARD MEMBER MARIN: Madam Chair, this came out
10 of our Committee on a 3 to 0 vote and therefore I would
11 move the item.

12 BOARD MEMBER MULÉ: Second.

13 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a
14 motion by Ms. Marin, seconded by Ms. Mulé, to adopt
15 Resolution 2004-190.

16 Without objection we'll substitute the previous
17 roll call.

18 That brings us to Item No. 19.

19 DEPUTY DIRECTOR LEVENSON: And, Madam Chair,
20 yesterday morning Item 19 was added to the consent
21 calendar.

22 CHAIRPERSON MOULTON-PATTERSON: That's right.
23 I'm sorry. I hadn't scratched that out.

24 DEPUTY DIRECTOR LEVENSON: Thank you.

25 CHAIRPERSON MOULTON-PATTERSON: Thank you.

1 Okay we have Item 20. And we have one speaker on
2 this.

3 Mr. Levenson.

4 DEPUTY DIRECTOR LEVENSON: Item 20 is
5 consideration of new projects for the Solid Waste Disposal
6 and Codisposal Site Cleanup Program. If you recall, last
7 month we did bring forth scoring criteria for the program,
8 and which we changed to a quarterly cycle. But we
9 indicated that there would be three grants that were in
10 the pipeline that we'd be bringing to you this month. And
11 these are the three.

12 So Wes Mindermann will be making that
13 presentation.

14 MR. MINDERMANN: Good morning, Madam Chair and
15 members of the Board.

16 For your consideration this morning under the
17 Solid Waste Cleanup Program we have three grants totaling
18 \$2 million. This item was heard in the Permitting and
19 Enforcement Committee and enjoys a recommendation of
20 fiscal consensus.

21 In short, staff are recommending that the Board
22 approve all three grants.

23 That concludes my presentation.

24 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

25 And we have one speaker, Marty Strauss, City of

1 Sacramento.

2 MR. STRAUSS: Thank you. My name's Marty
3 Strauss, City of Sacramento. And I just wanted to take
4 the time to say thank you to Wes and Scott and to the
5 Board.

6 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.
7 Ms. Marin.

8 BOARD MEMBER MARIN: Yes, Madam Chair. This item
9 came out also with a fiscal consent recommendation, so --
10 it came out on a 3-0. Therefore, I move the Item
11 2004-193.

12 BOARD MEMBER MULÉ: Second.

13 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a
14 motion by Mr. Marin, seconded by Mulé, to approve
15 Resolution 2004-193.

16 Without objection, please substitute the previous
17 roll call.

18 And that brings us to Item No. 21, which will be
19 introduced by Ms. Peace and Mr. Paparian.

20 Mr. Paparian, you go first?

21 BOARD MEMBER PAPARIAN: Yeah, thank you, Madam
22 Chair. This is a discussion of some of the things that
23 the Board got engaged in back in our meeting in San Jose
24 with regard to soliciting input from employees. And let
25 me give just a little bigger context to it.

1 In March it was announced that the statewide
2 diversion rate dropped from 48 percent to 47 percent. And
3 we don't know whether that's because of statistical
4 anomalies or whether it's the beginning of a trend or
5 whether we've plateaued in diversion statewide. But it
6 was a little bit of a wake-up call to us nonetheless.

7 So at the March meeting, the Board -- I
8 suggested, the Board concurred that we take some steps to
9 solicit some input about what we could do with diversion
10 and what additional things could be accomplished. So we
11 asked that each Board division and office review their
12 existing programs to assure there's no obstacle to current
13 programs that get us towards our diversion or recycling
14 goals. We asked that they prepare suggestions for us.
15 And the Board asked Cheryl Peace and myself to solicit
16 ideas directly from our staff related to new initiatives
17 to promote source reduction and recycling. We also said
18 that we would hold a public workshop at some point to
19 bring in individuals who can provide us with fresh ideas
20 and new approaches to actions to promote source reduction
21 and recycling. And I'm still hopeful we'll be able to
22 schedule that some time later this year before the whole
23 Board.

24 I think the staff has taken the direction from
25 the Board very seriously. Since April Board Member Peace

1 and myself have been meeting with Board staff. We've had
2 some very interesting suggestions. And I've appreciated
3 the candor of the staff. I think they've put forward
4 suggestions -- you know, even some of which they might
5 assume that I might have trouble with it or Board Member
6 Peace might have trouble with it, they haven't been shy
7 about letting us know what they think. And I think that's
8 really important to this process.

9 We've heard things like ways to better use our
10 electronic data capabilities, better focus our SBRC
11 efforts on state agencies, streamlining our Board agenda
12 process so that the staff has more time to get involved in
13 some of the actual programs that lead to diversion. We
14 heard a lot about the various paper requirements that we
15 have. We actually require some things for various reasons
16 to come in on paper when they could be done
17 electronically. And I know that there's some work being
18 done on that, so that we can better lead by example.

19 I know that Mark Leary is working on a number of
20 the administrative items that the staff has come up with
21 and. And I'm going to continue to work with Board Member
22 Peace on both the workshop and the other items that are
23 coming out from the staff.

24 And I know that Board Member Peace has some
25 suggestions on the next steps, so I'll turn it over to

1 her.

2 CHAIRPERSON MOULTON-PATTERSON: Thank you.

3 Ms. Peace.

4 BOARD MEMBER PEACE: Okay. Thank you.

5 Mike and I have now attended all the all-staff
6 meetings from every division and office. And thanks to
7 our IWMB staff and Sheridan Merritt, we also received
8 suggestions from staff in our new suggestion box located
9 on the Boardnet.

10 I've also had a suggestion or two slipped under
11 my door. It really doesn't matter how we get the
12 suggestion.

13 The suggestions have ranged everywhere, you know,
14 from saving money on cell phone service and travel to
15 employee morale and upward mobility to addressing ADC,
16 conversion technologies, and buying recycled.

17 If you've been to any of these all-staff
18 meetings, you've probably noticed that Mike's emphasis has
19 been more on ways the Board can be more proactive in
20 increasing diversion. And I agree with Mike there. But
21 I'm also strongly in favor of improving the internal Board
22 practices that will free up staff time to improve our
23 program and make them more efficient and connected.
24 Because our dilemma has always been how to rank the
25 importance of the suggestions, who does the ranking and

1 how to let staff know that they've been heard, and to do
2 so with our limited resources.

3 Obviously not every suggestion will be acted on.
4 And some Board policies just aren't going to make
5 everybody happy. Some will create tension in external
6 markets as well as internally. That's just the nature of
7 trying to change the status quo.

8 What we'd like to suggest as an integrated
9 approach to this effort is for each division or office to
10 rank their suggestions in the order that they'd like to
11 see them addressed, keeping in mind coordinating with the
12 other program areas. Those rankings then would be brought
13 to the appropriate committee, and the committees would
14 consider them. And this way the staff has the opportunity
15 for internal coordination and input, and hopefully feel
16 more involved in the process.

17 This is not an attempt to pass the ball back to
18 the divisions. But I'm sure staff doesn't want the Board
19 to arbitrarily be picking policies and programs to change
20 without having their input. This way too we are
21 encouraging the divisions to work together and find
22 efficiencies that might not otherwise happen.

23 So this I think is how Mike and I would like to
24 proceed, assuming that the other members are okay with
25 that process of letting the divisions decide -- you'll

1 rank their suggestions and then bring them back to the
2 committees?

3 CHAIRPERSON MOULTON-PATTERSON: I'll certainly
4 open it up to Board members. But I -- before I do, I do
5 want to thank Mike and Cheryl for taking the initiative on
6 this. This is very important. We have a very talented,
7 smart, committed staff with great suggestions. So thank
8 you very much. And we all take them very seriously.

9 Ms. Marin.

10 BOARD MEMBER MARIN: Madam Chair, I do want to
11 also thank the Board members for leading the charge in
12 trying to come up with a new and improved Waste Management
13 Board.

14 I have personally dealt with employee suggestion
15 boxes in some of my previous lives. And the range of
16 suggestions comes -- you know, it varies from the very
17 simple to the very complex, from the very profound to the
18 not so profound. And you want to welcome that. I would
19 certainly be very interested in any way that I can
20 facilitate or help.

21 There's usually like a committee that looks at
22 all of them. And I presume that that's the two Board
23 members that initially take a shot at it. Because there
24 will be, you know, umpteen suggestions. But obviously not
25 all of them can be implemented. So that way, you know, if

1 I may, madam Chair, I'm certainly very willing to offer
2 some of the goods, the bads and the uglies of implementing
3 an employee suggestion box, because there are levels of
4 scrutiny. And certainly this Board is not going to
5 consider all 500 because somebody's going to decide that
6 some of them are not meritorious, if you will, as others.
7 And so that there is a process. I will be very, very
8 happy, and I offer my whatever little experiences I have
9 in that to my colleagues as well as to staff.

10 Thank you.

11 BOARD MEMBER PEACE: Well, thank you. We'll take
12 you up on that.

13 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you,
14 Ms. Peace.

15 And, again, I don't see any other comments. I
16 know everybody appreciates it and wants to be involved.

17 BOARD MEMBER PEACE: Yeah, you know, we want to
18 get started on, you know, implementing some of these
19 ideas, discussing some of these ideas. So maybe if --
20 maybe if the divisions, the offices can kind of start
21 ranking what they would like to see come before the
22 committees within the next, you know, couple months if you
23 can get that together. And when you feel you're ready,
24 start bringing those to the committee so we can start
25 discussing them and moving on them.

1 EXECUTIVE DIRECTOR LEARY: Madam Chair, if I
2 might.

3 We actually have that as an agenda on our
4 executive staff meeting tomorrow to start exactly that
5 process. And I think we can beat a couple a month. In
6 fact I think we'll be able to share with the committees,
7 as you've suggested, Member Peace, our preliminary ideas
8 about the prioritization coming out of each of the
9 divisions at next month's committee meetings. So we'll be
10 ready to start that.

11 I'd ask that, as the exec staff think about it in
12 preparation and in our discussion tomorrow and as the
13 Board members anticipate receiving these prioritization,
14 that we kind of all agree on what the criteria for the
15 highest priority. And I know we as exec staff are going
16 to approach it kind of on a bang-for-the-buck kind of
17 approach, that what has the most merit for the least
18 amount of resource input to modify. And obviously we
19 don't want to go after high hanging fruit and exhaust lots
20 of resources doing the analysis and ultimately come up
21 with something that doesn't really change things too
22 much. And, you know, that's obviously common sense. No
23 rocket science here.

24 So that's how we'll be approaching it. And as we
25 come forward in August to the committees, we will -- each

1 of the deputies will prepare as part of the Deputy
2 Director's Report to the committees their first shot at
3 prioritization.

4 So I appreciate your leadership on this, members.
5 And I think we're going to have a very responsive, very
6 interactive process going forward.

7 Thank you.

8 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you,
9 Mr. Leary.

10 Our last item is Agenda Item No. 22,
11 consideration of whether the recycled content purchasing
12 policy or directive should continue to be a scoring
13 criteria for board grant programs or become an eligibility
14 requirement.

15 And I understand Ms. Wohl is going to introduce
16 this to us.

17 DEPUTY DIRECTOR WOHL: Yes. Good morning, Madam
18 Chair, Board members.

19 This is actually the first employee suggestion
20 box item that we're bringing forward to you. This will be
21 a discussion item. It was written in cooperation with the
22 Administration Division. And we did try to seek input
23 from the other divisions on some of the pros and cons.
24 But we have limited time, so they may not have gotten as
25 much input as they would have liked probably.

1 CHAIRPERSON MOULTON-PATTERSON: Ms. Peace.

2 BOARD MEMBER PEACE: Yeah, with that I have to
3 ness up to this one. I guess in my enthusiasms for
4 wanting to start this process and start looking at some of
5 the other suggestions I pushed hard to bring an item to
6 the Board this month. And I guess, you know, probably
7 could have -- probably was a little faster than what staff
8 would have liked and which didn't allow staff to be as
9 involved in the process as they would like to have been.
10 So I'll take responsibility for that.

11 But I do want to say that this was a great
12 write-up, and I learned a lot by reading this item, and I
13 appreciate all the work that you have done.

14 DEPUTY DIRECTOR WOHL: Well, Thank you.

15 So with that, let me tell you a little bit about
16 how the current process works.

17 The Green Procurement Policy has actually been
18 reaffirmed by the Board every year for the last three
19 years. So it's been pretty consistent in the direction
20 we're getting. Every year we fine tune it and try and be
21 a little more specific about what the Board is asking
22 staff.

23 The latest is that it is a general eligibility
24 criteria item. It is supposed to be, as identified in
25 Resolution 2002-347 revised, which is the latest policy,

1 that it is supposed to be 15 percent of the points for
2 general criteria. It can be modified to 10 percent if
3 staff can substantiate why they need to lower that from 15
4 to 10. And they can bring that forward for the Board to
5 review.

6 In addition, there was a "Be It Further Resolved,
7 staff will develop an evidence of Recycled Content
8 Purchasing Policy or Directive Certification Form" that
9 requires the applicant to provide current and substantive
10 information on their existing purchasing policy and
11 practices. And I think that was the attempt for the Board
12 to say, you know, "This goes beyond, yes, we have a
13 policy, no, we don't. But what are you doing in these
14 areas? Can you demonstrate that you're making purchases?
15 Do you have alternative practices you're doing," whether
16 that be grass cycling or a variety of things like that.

17 This item is recommending that instead of keeping
18 it as a general reviewed criteria, we move it to an
19 eligibility criteria. Meaning if you have that complete
20 Green Procurement Policy, you can get in the door to
21 participate for one of our grant programs. If you do not,
22 then you are excluded from getting in the door and,
23 therefore, not scored.

24 So what I'd like to do, since this was a
25 collaborative effort, is turn it over to Tom Estes to talk

1 about the pros and cons. And then we look forward to your
2 input on that subject.

3 MR. ESTES: Good morning.

4 CHAIRPERSON MOULTON-PATTERSON: Good morning.

5 MR. ESTES: In the interests of time I'm only
6 going to touch on a couple of the more salient pros and
7 cons. However, as you can imagine, there were many more.
8 Seven pages, to be exact. You have several more in your
9 agenda item. But we figured we'd pick these off and go
10 from there.

11 So the pros for moving the Green Procurement
12 Policy scoring criteria from general criteria to an
13 eligibility requirement:

14 Basically there would be fewer applications to
15 score. Those grant applicants that don't have an existing
16 green procurement policy will be ineligible and,
17 therefore, their applications need not be scored. Cut and
18 dried.

19 It also strengthens the message by making this
20 move. It strengthens the message of the importance that
21 the Board places on having a green procurement policy. If
22 grantees want the Board's money, they will implement a
23 policy and begin making green purchases. Again, it's that
24 simple.

25 On the flip side, the cons:

1 If we did make that shift, the number of
2 applicants who can participate in each grant cycle will be
3 limited. In other words if an applicant does not have a
4 green procurement policy and cannot demonstrate purchases
5 and practices, then their application is automatically
6 ineligible for further consideration. Whereas, currently
7 the lack of a green procurement policy does not
8 automatically make the applicant ineligible at this point.

9 Staff evaluated the impact of the --

10 CHAIRPERSON MOULTON-PATTERSON: Say that again,
11 Tom.

12 MR. ESTES: Right now, if you do not have a green
13 procurement policy, since it's in the general scoring
14 criteria, you can still compete. And we also provide an
15 option, it's my understanding, that you can actually adopt
16 that policy during the scoring period and receive some
17 points -- during the application period and receive some
18 points. You wouldn't have proof of how you're
19 implementing it, but all hope is not lost there.

20 So on flip side that's no longer an option if
21 this were to move --

22 CHAIRPERSON MOULTON-PATTERSON: So it's all or
23 nothing?

24 MR. ESTES: It's all or nothing.

25 BOARD MEMBER PEACE: But couldn't it be that you

1 could apply and then still get a green procurement policy?
2 I mean right now you're saying that you can get points in
3 the scoring criteria. You can still apply and get points
4 for it. Well, no. If it's in the scoring criteria you
5 can still apply during -- and get more points if you
6 implement a green procurement policy during the process.
7 I mean couldn't it be that way if you had it in the
8 eligibility too, say, "Go ahead and apply. But if you
9 don't have it, you're not going to be awarded" --

10 MR. ESTES: You don't pass "Go. You don't
11 collect \$200." So that's the major difference.

12 DEPUTY DIRECTOR WOHL: Typically with eligibility
13 it is a "yes" or "no" kind of thing. So you either meet
14 the eligibility and you can move on or you don't. So it's
15 not like there's an opportunity to work with them at that
16 point and get them, you know, to a point where they --

17 BOARD MEMBER PEACE: And how hard is it to
18 implement a green procurement policy? Is it really
19 difficult? I mean how hard --

20 DEPUTY DIRECTOR WOHL: Well, it depends. You
21 know, I think -- the next statement Tom was going to make
22 is we looked at a couple of the current grant programs and
23 there was about 28 entities that would not have made it
24 through the process, that would not have passed but the
25 three we looked at, including L.A. County being one of

1 them.

2 What it looked like is -- some of them are
3 elementary schools. Some of them are waste management
4 authorities. They're not all local jurisdictions. So I
5 guess it depends on how their process works; what level of
6 importance they put towards that at the onset; you know,
7 if they're aware of it from the beginning; do they have
8 time to put a policy through? You know, I'm sure it runs
9 the gamut. You would think -- it's fairly easy to put a
10 policy together. But it's probably a matter of whether
11 they -- what level that rises to based on all the other
12 things they're implementing.

13 CHAIRPERSON MOULTON-PATTERSON: So this would
14 affect schools?

15 DEPUTY DIRECTOR WOHL: There are -- yes, there
16 are elementary -- you know, like a playground grant, I
17 would assume there are actual schools that apply for
18 those.

19 CHAIRPERSON MOULTON-PATTERSON: Okay. Mr.
20 Paparian.

21 Excuse me. Madam Chair?

22 CHAIRPERSON MOULTON-PATTERSON: Ms. Carter.

23 CHIEF COUNSEL CARTER: I'm sorry.

24 I'd like to comment on a possible option the
25 Board could consider in terms of an eligibility

1 requirement. It could be an eligibility requirement which
2 would, if not -- if the policy was not enacted before a
3 date certain, and that date certain could be after the
4 application period, would eliminate that applicant from
5 consideration. But the time in which the eligibility
6 policy -- pardon me -- that the Green Procurement Policy
7 is submitted could be later than the application date.
8 So, therefore, if they get it in at a later date, they
9 would still qualify for scoring; but if they don't get it
10 in by that extended date, then they would not be
11 considered for award. So it would allow them a little
12 extra time for those grant programs that are working on a
13 very short time margin.

14 So it's still an eligibility requirement, but
15 you're just extending the date in which the policy would
16 be submitted.

17 BOARD MEMBER WASHINGTON: Would that defeat the
18 purpose?

19 CHAIRPERSON MOULTON-PATTERSON: Just a moment
20 please.

21 Would we be deciding this today?

22 DEPUTY DIRECTOR WOHL: This is actually a
23 discussion item. So we're bringing this idea forward to
24 you. You know, we could not reach consensus within the
25 group. I think there's a difference of opinion. You

1 know, I think Waste Prevention and Market Development
2 would prefer to leave it as is. I believe Special Waste
3 has considered the switch because it may save staff time
4 in reviewing. And I think Permitting and Enforcement
5 would like to leave it as is too because of some statutory
6 issues where it may actually affect eligibility if it
7 changes.

8 CHAIRPERSON MOULTON-PATTERSON: I know many of my
9 colleagues want to speak. But just, you know, at first
10 blush and all, you know, as great as I think that Green
11 Policy is, as I think it would work maybe in Special Waste
12 or some areas, to put another mandate on the school, I
13 don't even know if we can do that. And, you know, this
14 would be highly unpopular with our schools to say they had
15 to do it. I think we should do everything we can to
16 encourage it, but I don't think we dictate this. And
17 that's just my own personal opinion.

18 Mr. Paparian was next, and then Mr. Marin.

19 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.
20 I think I'm in agreement with you. At times I do like to
21 push the envelope. But I don't want to get us in a
22 situation where we can't even open the envelope with some
23 of these proposals.

24 Where I would like to see us go is maybe provide
25 some more guidance as to what ought to be in a green

1 procurement policy, because that does change over time. I
2 think, you know, six or eight years ago, if you had 10
3 percent recycled content paper, you were doing good.
4 Well, today's standards is basically a hundred percent
5 recycled content paper. And maybe if we provided some
6 guidance about what ought to be in a green procurement
7 policy and whether it's actually being utilized, and
8 recognize that that's going to change over time as more
9 recycled content products become available, that that may
10 be the way for us to go. So that, you know, you might be
11 able to score 15 points today based on today's
12 availability of materials, but in five years there might
13 be a new set of recycled content materials and maybe, you
14 know, you ought to be held to a slightly higher standard
15 to get that 15 points at some point in the future.

16 So, anyway, that's the direction I'd like to go
17 and just provide a little more teeth and guidance to the
18 existing policy over time.

19 CHAIRPERSON MOULTON-PATTERSON: Ms. Marin was
20 next. But, Mr. Estes, I didn't mean to interrupt right in
21 your presentation. I'm going to call right back on you in
22 a moment.

23 MR. ESTES: No, it's pretty well done.

24 CHAIRPERSON MOULTON-PATTERSON: Okay. Ms. Marin.

25 BOARD MEMBER MARIN: Madam Chair, I think one of

1 the things that is very, very clear -- I read this about
2 three times to make sure that I understood what is it
3 that -- how it all worked. And it seems to me that if it
4 was Mr. Paparian that was pushing the envelope or anybody
5 else, I think that they did a very good job. But if this
6 came in as a suggestion box, I think that the amount of
7 work that staff went through to come to have this appear
8 before the Board, just by reading this I could tell that
9 it was an enormous amount of work, that a lot of people
10 came in and decided whether this was good or bad or -- and
11 it seemed to me that if it was a suggestion box issue,
12 that had we had a system in place, that much of this work
13 would not have been necessary. So it seemed to me that we
14 were putting the cart before the horse. It was a great
15 exercise, but I think that to some degree unnecessary.
16 And maybe when my colleagues go forward with the
17 suggestion box process, that some of this extra work would
18 not be necessary.

19 It was -- I think it was very revealing and I
20 learned a lot. Like I said, I read it three times to make
21 sure that I understood the pros and the cons and what was
22 really being attempted to do here. It was a lot of work.
23 But I think that if we had a different process, we would
24 not even be seeing this in this shape right now.

25 So a lot of hard work, very enlightening at least

1 to me, and thank you.

2 CHAIRPERSON MOULTON-PATTERSON: Thank you.

3 Any other comments?

4 Or Mr. Estes, would you like to finish up? I'm
5 sorry.

6 MR. ESTES: The only other point that I want to
7 conclude with is, if we were to make this shift, we would
8 probably be wise to give folks plenty of advanced notice
9 that this is the new -- you know, the new lay of the land,
10 if you will. And I'll leave it at that.

11 CHAIRPERSON MOULTON-PATTERSON: Thank you.

12 Ms. Peace.

13 BOARD MEMBER PEACE: Well, I guess that was
14 another suggestion I was going to make if we did decide to
15 change this. I mean there could definitely be a phase-in
16 period. I mean can't we start letting people know, you
17 know, "Hey, get a green procurement policy in place
18 because in three years," or whenever, "this Board isn't
19 taking going to be giving out any more money unless you
20 have that in place." So that's just an option too, you
21 know, those things to think about. Because we are trying
22 to push every jurisdiction, everybody to have these green
23 procurement policies.

24 And then another thing -- some divisions, like
25 you said, you know, Markets and P&E might want to leave it

1 the way it is, Special Waste might want to change it. I
2 guess another thing that was in my mind is, does it have
3 to be the same across the Board? I mean does every grant
4 have to be exactly the same?

5 CHAIRPERSON MOULTON-PATTERSON: Somewhere down
6 the line too -- you know, we're not going to be definitely
7 deciding this today, but -- I don't want to put her on the
8 spot right now. But, Ms. Vorhies, I'd like to hear from
9 you about the effect this would have on schools, which
10 have so many areas that they have to meet right now.

11 So, anyway, is that --

12 DEPUTY DIRECTOR WOHL: Yeah, maybe just in
13 summary, to piggyback on Mike's idea, we could develop a
14 web page or something that's referenced in these grant
15 items that says, "Here's what we think's an example of a
16 green procurement policy. Here's how we would show you're
17 demonstrating. These are the kind of purchases we want to
18 see and this is the kind of practices that also could help
19 you get points." And try and be consistent across all
20 grants. And then modify that as the bar raises, so that
21 we can, you know, kind of encourage these people to come
22 along gradually.

23 CHAIRPERSON MOULTON-PATTERSON: Mr. Washington,
24 did you wish to comment? I'm sorry.

25 BOARD MEMBER WASHINGTON: Yeah, I just wanted to

1 briefly comment and say to the staff and to all those, I
2 think it makes for good discussion. I'm a little
3 different from Ms. Marin in the sense that I think the
4 hard work that was put in was dedicated to it because it
5 was a suggestion, and that's what suggestion boxes are
6 for. And, again, I don't think we're going to have a
7 system in place, Ms. Marin, that will address every
8 suggestion that comes before this Board. And that's what
9 they're for, to kind of work through and perhaps help us
10 get there.

11 So I want to thank the staff for all their
12 comments. And certainly we welcome the staff to continue
13 to make those suggestions so we can kind of go through
14 them and see what we can do to make the Board better.

15 And, again, to the staff and to all those, kudos
16 to all you guys who've done such an excellent job with the
17 team that's working behind the scene to try to see if you
18 can come up with a consistent -- I think there's great
19 working together abilities. And, again, I thank all of
20 you guys for doing such a great job in coming up with just
21 a suggestion to bring it before this Board as a discussion
22 item and to start talking about this issue.

23 So thank you.

24 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
25 Washington. And I'm glad you said that, because

1 there's -- we certainly don't want to discourage any
2 suggestions. And I know we've gotten a lot of good ones
3 and we'll look at them.

4 Ms. Peace.

5 BOARD MEMBER PEACE: Okay. Coming back to the
6 point that maybe not all divisions would have to be -- to
7 have the same -- I mean if a division wanted to change and
8 make it an eligibility criteria instead of a scoring
9 criteria, is there anything that says they couldn't do
10 that?

11 DEPUTY DIRECTOR WOHL: I don't think there's
12 anything, but what you have is people who compete on
13 different grants. The same jurisdiction competes on
14 multiple grants and so the rules change. And that's --

15 BOARD MEMBER PEACE: Okay. So if a division did
16 want to change that in a particular grant program, they
17 could bring that forward before the committee and ask that
18 it be changed?

19 DEPUTY DIRECTOR WOHL: Yeah, I would say so.

20 BOARD MEMBER PEACE: Okay. Thank you.

21 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.
22 Good question.

23 One further item of business. We want to wish
24 Jerry Hard a very, very happy birthday. We understand
25 it's a big birthday.

1 Happy birthday, Jerry.
2 BOARD MEMBER WASHINGTON: He wishes he was 16.
3 CHAIRPERSON MOULTON-PATTERSON: With that we will
4 adjourn the meeting. And we'll see you all at the picnic?
5 Unless anyone else has anything else to say.
6 (Thereupon the California Integrated Waste
7 Management Board meeting adjourned
8 at 11:00 a.m.)

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing California Integrated Waste Management Board
7 meeting was reported in shorthand by me, James F. Peters,
8 a Certified Shorthand Reporter of the State of California,
9 and thereafter transcribed into typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said meeting nor in any
12 way interested in the outcome of said meeting.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 29th day of July, 2004.

15

16

17

18

19

20

21

22 JAMES F. PETERS, CSR, RPR

23 Certified Shorthand Reporter

24 License No. 10063

25